

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Contact Person: [REDACTED]

Telephone Number: [REDACTED]

In Reference to: [REDACTED]

Date: [REDACTED]

E.I.N.: [REDACTED]

Key District: [REDACTED]

NO POSTAGE RECEIVED
2 copies to District

Date [REDACTED]

Signature [REDACTED]

Dear Applicant:

We have considered your application for recognition of exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. Based on the information submitted, we have concluded that you do not qualify for exemption under that section.

You are a corporation formed under [REDACTED]. You were incorporated on [REDACTED]. You have requested exemption under section 501(c)(3) of the Code. The purposes, as stated in the Certificate of Incorporation include the broad general purposes that would qualify the organization for exemption under section 501(c)(3) of the Code.

It is our determination that your organization has failed to qualify for exemption under section 501(c)(3) of the Code because you have failed to carry the burden of proof of establishing that the operations of your organization will be exclusively in furtherance of exempt purposes.

It is well established that the law imposes on the applicant the burden of proving that it is entitled to exemption. See Basic Bible Church v. Commissioner, 74 T.C. 846 (1980); Universal Life Church, Inc. v. United States, 372 F. Supp. 770, 775 (E.D. Ca. 1974). The applicant must provide sufficient information to allow the Internal Revenue Service to rule favorably. The Church In Boston v. Commissioner, 71 T.C. 102 (1978). The Court has been persuaded to rule unfavorably where the nature of the proposed activities is especially ambiguous. Levy Tribe Foundation, Inc. v. Commissioner, 69 T.C. 615 (1978). Only vague generalizations of the nature of operations or the failure to describe fund raising activities may contribute to an applicant's failure to carry its burden of proof. Pius XII Academy, Inc., P82,097, P-H Memo TC (1982). Where answers to Internal Revenue Service inquiries are vague or incomplete or inconsistent with prior answers or information, the applicant may fail to carry its burden of proof. Universal Bible Church, Inc., P86,170 P-H Memo TC (1986).

[REDACTED]

After your most recent letter of [REDACTED], it is still not entirely clear what activities and programs will be engaged in by your organization. The best that we can determine from your letters as to your purpose is that you will assist some persons who intend to engage in charitable work overseas and who also may be missionaries, by assisting them to find transportation and by managing their support funds if they so wish. However, you have failed to provide us with information as to what persons you will support, whether such persons are affiliated with any particular charitable organization, the location where such persons will engage in their missionary work, or what kind of work will be performed. We do not know what criteria your organization will use in deciding what persons to support. We do not know the experience, education, or background of the key employees of your organization who will perform the necessary functions of the organization other than the fact that one individual is retired and has [REDACTED] business and personal experience.

There are a large number of other questions that are unanswered. We do not know how you plan to manage the funds of the persons you assist. What type of account will you establish? We do not know whether this service will appeal to missionaries and others or whether you have information that there is a need for this kind of assistance. We do not know how you intend to solicit charitable donations from individuals or organizations. We do not know whether the assistance you provide others is intended to benefit only persons who have some association with the volunteers of your organization.

Further, we have received little in the way of financial information and we are unable to form an opinion as to how the organization would finance its activities for the 5 year advanced ruling period.

Section 501(c)(3) of the Internal Revenue Code provides, in part, for the exemption from federal income tax of organizations organized and operated exclusively for charitable purposes.

Section 1.501(c)(3)-1(a)(1) of the Income Tax Regulations provides that in order to be exempt as an organization described in section 501(c)(3) of the Code, an organization must be both organized and operated exclusively for one or more of the purposes specified in such section. If an organization fails to meet either the organizational test or the operational test, it is not exempt.

Section 1.503(c)(3)-1(c)(1) of the Income Tax Regulations provides that an organization will be regarded as operated exclusively for one or more exempt purposes only if it engages primarily in activities which accomplish one or more exempt purposes specified in Section 501(c)(3). An organization will not be so regarded if more than an insubstantial part of its activities is not in furtherance of an exempt purpose.

Section 5.02 of Rev. Proc. 90-27, 1990-1 C.B. 514, provides the following:

Exempt status will be recognized in advance of operations if proposed operations can be described in sufficient detail to permit a conclusion that the organization will clearly meet the particular requirements of the section under which exemption is claimed. A mere restatement of purposes or a statement that proposed activities will be in furtherance of such purposes will not satisfy this requirement. The organization must fully describe the activities in which it expects to engage, including the standards, criteria, procedures or other means adopted or planned for carrying out the activities, the anticipated sources of receipts, and the nature of contemplated expenditures. Where the organization cannot demonstrate to the satisfaction of the Service that its proposed activities will be exempt, a record of actual operations may be required before a ruling or determination letter will be issued. In those cases where an organization is unable to describe fully its purposes and activities, a refusal to issue a ruling or determination letter will be considered an initial adverse determination from which administrative appeal or protest rights will be afforded.

You have failed to describe in sufficient detail how you will carry out your operations or activities. You have failed to comply with section 5.02 of Rev. Proc. 90-27 in that you have failed to describe the proposed operations in sufficient detail to permit a conclusion that you will qualify for exemption under section 501(c)(3) of the Code.

Based on the limited information furnished we are unable to conclude that you are organized or operated exclusively for exempt purposes within the meaning of section 501(c)(3) of the Code. Therefore, we conclude that you do not qualify for recognition of exemption from federal income tax under section 501(c)(3) of the Code.

[REDACTED]

Contributions to you are not deductible under section 170 of the Code.

You are required to file federal income tax returns.

You have the right to protest this ruling if you believe that it is incorrect. To protest, you should submit a statement of your views, with a full explanation of your reasoning. This statement must be submitted within 30 days of the date of this letter and must be signed by one of your officers. You also have a right to a conference in this office after your statement is submitted. If you want a conference, you must request it when you file your protest statement. If you are to be represented by someone who is not one of your officers, he/she must file a proper power of attorney and otherwise qualify under our Conference and Practice Requirements.

If you do not protest this proposed ruling in a timely manner, it will be considered by the Internal Revenue Service as a failure to exhaust available administrative remedies. Section 7428(b)(2) of the Code provides, in part, that a declaratory judgment or decree under this section shall not be issued in any proceeding unless the United States Tax Court, the U.S. Court of Federal Claims, or the District Court of the United States for the District of Columbia determines that the organization involved has exhausted administrative remedies available to it within the Internal Revenue Service.

If we do not hear from you within 30 days, this ruling will become final and copies will be forwarded to your key District Director. Thereafter, any questions about your federal income tax status should be addressed to that office. The appropriate State officials will be notified of this action in accordance with section 6104(c) of the Code.

Sincerely yours,

Signed [REDACTED]

[REDACTED]
Chief, Exempt Organizations
Technical Branch